



STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

**License for Diversion and Use of Water**

Page 1 of 5

APPLICATION 26619

PERMIT 19059

LICENSE **13264**

**THIS IS TO CERTIFY, That**

Salmon Creek Hydroelectric Company  
2555 Third Street, Suite 110  
Sacramento, CA 95818

has made proof as of **July 31, 1995** (the date of inspection) to the satisfaction of the State Water Resources Control Board of a right to the use of the waters of  
**(1) Sardine Creek and (2) Salmon Creek in Sierra County**

tributary to **(1) Salmon Creek thence (2) North Yuba River thence Yuba River**

for the purpose of **Power use**

under Permit **19059** of the Board and that the right to the use of this water has been perfected in accordance with the laws of California, the Regulations of the Board and the permit terms; that the priority of this right dates from **November 13, 1980** and that the amount of water to which this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated purposes and shall not exceed **twenty (20) cubic feet per second to be diverted from January 1 to December 31 of each year.**

**THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:**

- (1) Sardine Creek - South 73° West 1,950 feet from NE corner of Section 10, T20N, R12E, MDB&M, being within NW¼ of NE¼ of said Section 10.**



THE POINT OF DIVERSION AND REDIVERSION OF SUCH WATER IS LOCATED:

- (2) Salmon Creek - South 28° 30' West 3,750 feet from NE corner of Section 3, T20N, R12E, MDB&M, being within SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of said Section 3.

A DESCRIPTION OF THE LANDS OR THE PLACE WHERE SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

At Salmon Creek Powerhouse within SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 10, T20N, R12E, MDB&M, as shown on map filed with State Water Resources Control Board.

This license shall not be construed as conferring upon the licensee right of access to the points of diversion.

(0000022)

This license is conditioned upon full compliance with Sections 1601, 1603, and/or Section 6100 of the Fish and Game Code.

(0000063)

For the protection of fish and wildlife below Salmon Creek diversion dam, licensee shall during the period: (a) from April 1 through June 30 bypass a minimum of 12 cubic feet per second, (b) from July 1 through March 31 bypass a minimum of 6 cubic feet per second. The total streamflow shall be bypassed whenever it is less than the designated amount.

(0140061)

Licensee shall bypass below the Sardine Creek diversion dam one cubic foot per second as measured directly below the dam. This term is subject to revision as set forth in the Master Operating Agreement between licensee and the Tahoe National Forest, executed on July 31, 1982.

(0140061)

No water shall be diverted under this license unless licensee has installed devices, satisfactory to the State Water Resources Control Board, which are capable of measuring the flows required by the conditions of this license. Said measuring devices shall be properly maintained.

(0060062)

In accordance with criteria provided by the U.S. Fish and Wildlife Service, the U.S. Forest Service, and California Department of Fish and Game, licensee shall provide habitat improvements within the section of Salmon Creek affected by the project, adequate to compensate for project impacts on aquatic resources.

(0400500)

Licensee shall determine pre-project temperature regimes, and provide pre-project temperatures in affected stream sections below each diversion dam after project construction.

(0400500)



Licensee shall not change the operation schedule of Lower Sardine Lake, nor cause any additional fluctuations in the lake levels.

(0350900)

Water diverted under this license is for nonconsumptive use and is to be released to Salmon Creek within SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 10, T20N, R12E, MDB&M.

(0000111)

All rights and privileges to appropriate water for power purposes under this license are subject to depletions resulting from future upstream appropriation for domestic and stockwatering uses within the watershed. Such rights and privileges under this license may also be subject to future upstream appropriations for uses within the watershed other than domestic and stockwatering if and to the extent that the Board determines, pursuant to Water Code Sections 100 and 275, that the continued exercise of the appropriation for power purposes is unreasonable in light of such proposed uses. Any such determination shall be made only after notice to licensee of an application for any such future upstream appropriation and the opportunity to be heard; provided, that a hearing, if requested, may be consolidated with the hearing on such applications.

(0001001)

In consultation with and under the direction of the United States Forest Service, licensee shall protect the scenic and esthetic values of the area under this license, and the adjacent land, as far as possible, during operation, and maintenance of the project.

(0400500)

Licensee shall comply with conditions set forth by other federal, state, and local agencies, including the Federal Energy Regulatory Commission. (000J001)

---



*Licensee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this license.*

*The quantity of water diverted under this license is subject to modification by the Board if, after notice to the licensee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.*

*Pursuant to California Water Code Sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.*

*This continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirement for the authorized project. No action will be taken pursuant to this reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.*

*The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Sec. 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.*

*Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the Board.*

*The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.*

*This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:*

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.



Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: - **JUNE 20 1996**

STATE WATER RESOURCES CONTROL BOARD

*David R. Bevinger*  
for Chief, Division of Water Rights